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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

Gianni Collina et al.

Serial Number: 09/936,111

Filed: **January 16, 2002**

For: **MULTI-STAGE PROCESS FOR THE
(CO)POLYMERIZATION OF OLEFINS**

Group Art Unit: 1713

Examiner: **Caixia C. Lu**

Commissioner for Patents
Alexandria, VA 22313-1450

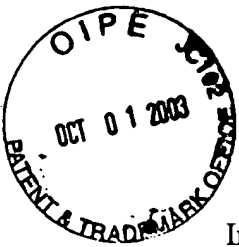
September 29, 2003

RESPONSE TO RESTRICTION REQUIREMENT

This is in response to the restriction requirement under 35 U.S.C. 121 and 372 dated August 27, 2003, for which a one-month period for response was set. This response is being timely filed on September 29, 2003 (September 27, 2003 being a Saturday and September 28, 2003 being a Sunday).

Claims 1-40 are pending in this application. The Office Action has set forth a requirement for restriction of the prosecution of this application to the following Groups of claims:

- I. Claim(s) 1-29, drawn to a multistage polymerization process;
- II. Claim(s) 30-34 and 38-40, drawn to a catalyst composition;
- III. Claim(s) 35-37, drawn to a polymer composition.



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Applicants hereby provisionally elect Group I, claims 1-29, for prosecution on the merits, with traverse.

The Examiner has also set forth a requirement for the election of a single species among the various multidentate late transition metal complex species used in the second stage polymerization. Applicants hereby provisionally elect the following multidentate late transition metal complex:



which is used in Example 1 of the specification (page 30, lines 2-3), wherein An is acenaphtenquinone and Ph is phenyl (page 15, lines 2-3).

Claims 1-9, 10-15 are readable on the elected species.

The Examiner contends that the inventions listed in Groups I-III do not relate to a single general inventive concept under PCT 13.1, because under PCT Rule 13.2 they lack the same or corresponding special technical features.

The "multistage process for the polymerization of olefins" of Claim 1, the "catalyst component" of Claim 30 and the "Polymer Composition" of Claim 35 are correlated by a technical relationship which involves a common special technical feature.

The "catalyst component" of Claim 30 comprises a late transition metal complex supported on a polymeric porous support having a porosity greater than 5% which is clearly the same product obtained at the end of step (II) in claim 1. In step (III) of Claim 1, one or more olefinic monomers are polymerized in the presence of the product obtained from step (II), that is, in the presence of the "catalyst component" of Claim 30. The "catalyst component" of Claim 30 is used in the "multistage process for the polymerization of olefins" of Claim 1 to achieve the results of the present invention in terms of catalytic activity.

Moreover, the "catalyst component" of Claim 30 is used in the polymerization step (III) of Claim 1 to obtain a "Polymer Composition" as defined in Claim 35.

According to PCT Rule 13.2, the expression "special technical feature" is defined as meaning those technical features that define the contribution which each of the claimed inventions, considered as a whole, makes over the prior art.

Sugimara (EP 0 893 455) does not disclose the multi-stage polymerization and the catalyst component supported on a polymeric porous support. Therefore, the present

invention is not anticipated by or obvious over Sugimara. The use of the "catalyst component" of Claim 30 is the "common special technical feature" required under PCT Rule 13.2, which links the inventions listed as Groups I, II and III and determines the contribution which each of the claimed inventions, considered as a whole, makes over the prior art.

Further, with respect to Groups I and III, in Annex B, Part 2 of the Administrative Instructions Under The PCT listed in the MPEP, Example 1 clearly illustrates that unity of invention exists between a claim drawn to a method of manufacturing chemical substance X, and the claim drawn to substance X. In addition, M.P.E.P. 1850 and 37 C.F.R. 1.475(b) states that a product and a process specially adapted for the manufacture of said product; a process and an apparatus or means specifically designed for carrying out the said process; or a product, a process specially adapted for the manufacture of the said product, and an apparatus or means specifically designed for carrying out the said process will be considered to have a unity of invention. } *only if*

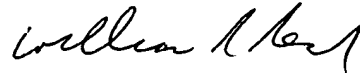
Unity of invention would thus exist between the polymerization process of Group I, which is designed for making the polymer, the catalyst composition of Group II, which is designed for the process and the polymer composition of Group III.

For the above reasons, the Examiner is respectfully requested to reconsider and withdraw the restriction requirement.

This is intended to be a complete response to the Office Action dated August 27, 2003. The Applicants invite the Examiner to direct any questions or comments to the undersigned at the telephone number given below. An early and favorable action on the merits is solicited.

No payment is believed to be due; however, the Commissioner is hereby authorized to charge U.S. PTO deposit account 08-2336 any payment due and to credit any overpayment thereto.

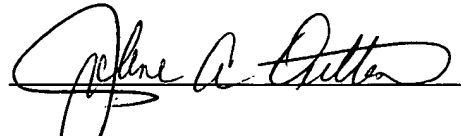
Respectfully submitted,



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I hereby certify that this correspondence is being deposited with sufficient postage thereon with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents Alexandria, VA 22313-1450 on September 29, 2003



September 29, 2003

Date of Signature